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Attorneys for Third-Party Defendant COR Clearing, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHINA ENERGY CORPORATION,	)	3:13-CV-562-MMD-VPC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ALAN HILL, et al.,	)	
	)	
Defendants,	)	<b>COR CLEARING LLC'S RESPONSE TO DEFENDANTS/THIRD- PARTY PLAINTIFFS</b>
	)	
ELENA SAMMONS AND MICHAEL SAMMONS,	)	<b>ELENA SAMMONS'S AND MICHAEL SAMMONS</b>
Third-Party Plaintiffs	)	<b>MOTION TO DISMISS</b>
	)	<b>FIRST AMENDED THIRD PARTY COMPLAINT AS</b>
vs.	)	<b>MOOT AND FOR LACK OF JURISDICTION</b>
	)	
COR CLEARING, LLC,	)	
	)	
Third-Party Defendant.	)	
	)	

Third-Party Defendant COR Clearing, LLC ("COR") respectfully submits this response to Defendants/Third-Party Plaintiffs Elena Sammons and Michael Sammons's Motion to Dismiss First Amended Third Party Complaint as Moot and for Lack of Jurisdiction ("Motion to Dismiss") (Doc. # 290). COR agrees that all claims asserted against it in the Sammons's Third-Party Complaint must be dismissed in light of Amended Stipulation of Dismissal With Prejudice as to Count I of the Complaint (Doc. #291). Pursuant to Federal Rule of Civil Procedure 41(a) (1)(A)(ii), Count I of the Complaint has been dismissed with prejudice and COR is entitled to a judgment as a matter of law on the Sammons' Third-Party Complaint, as there is no longer any "potential loss" for the Sammons "to transfer" to COR. Therefore, COR's respectfully requests that the Court enter an order dismissing the Third-Party Complaint against COR *with prejudice*.

Respectfully submitted this the 23rd day of December, 2014.

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By: /s/ Peter J. Tepley  
Peter J. Tepley

*Counsel for Third-Party Defendant COR Clearing,  
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1                   CERTIFICATE OF SERVICE

2                   I, Peter J. Tepley, certify that on December 23, 2014, I authorized the electronic filing of  
3 the foregoing with the Clerk of the Court using the CM/ECF system which will send notification  
4 of such filing to the e-mail addresses denoted on the electronic mail notice list.

5                   A copy was also served by First Class U.S. Mail, postage prepaid on the following  
6 individuals:

7                   Elena Sammons  
8                   15706 Seekers St.  
9                   San Antonio, TX 78255

10                  Randy Dock Floyd  
11                  4000 Goff Road  
12                  Aynor, SC 29551

13                  Jun He  
14                  231 Split Rock Road  
15                  The Woodlands, TX 77381

16                  I certify under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct. Executed December 23, 2014, at Birmingham, Alabama.

18                  By: /s/ Peter J. Tepley  
19                  Peter J. Tepley